

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JENNIFER VANDERSTOK, *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, in his official capacity as Attorney General of the United States; *et al.*,

Defendants.

Civil Action No. 4:22-cv-00691-O

**PLAINTIFFS' NOTICE OF PROVISION OF MOTION FOR PRELIMINARY
INJUNCTION AND BRIEFING DEADLINES TO DEFENDANTS**

Plaintiffs Jennifer VanDerStok; Michael G. Andren; Tactical Machining, LLC; and Firearms Policy Coalition, Inc., through their undersigned counsel, file this notice pursuant to this Court's August 17, 2022 Order. ECF No. 18.

On August 17, 2022, counsel for Plaintiffs emailed Daniel Riess with the U.S. Attorneys' Office, Civil Division, to ascertain Defendants' position on Plaintiffs' Motion for Leave to File in Excess and Plaintiffs' Motion for Preliminary Injunction. Plaintiffs specifically contacted Mr. Riess because he is listed as counsel of record for Defendants and has signed filings on their behalf in both *Division 80, LLC v. Garland*, No. 3:22-cv-00148 (S.D. Tex.) and *Morehouse Enterprises, LLC v. Bureau of Alcohol, Tobacco, Firearms and Explosives*, No. 3:22-cv-00116 (D.N.D.), which are both challenges to the same Final Rule at issue here. *See Notice of Related Cases*, ECF No. 3.

That same day, Mr. Riess responded indicating that Defendants did not oppose Plaintiffs' Motion for Leave to File in Excess, so long as Plaintiffs would not oppose a similar request from Defendants, and that Defendants did oppose Plaintiffs' Motion for a Preliminary Injunction.

Plaintiffs filed their opposed Motion for Preliminary Injunction, along with supporting documentation, at 6:51 PM CT on August 17, 2022. ECF No. 15, 16. At 7:05 PM CT, a legal assistant with Cooper & Scully, P.C. emailed file stamped copies of Plaintiff's Motion, along with all supporting documentation, to Mr. Riess.

Shortly thereafter, at 8:32 PM CT, this Court entered an Order establishing briefing deadlines on Plaintiffs' Motion for Preliminary Injunction. ECF No. 17. Plaintiffs' counsel emailed Mr. Reiss a copy of that Order at 8:48 PM CT on August 17, 2022.

At 10:00 AM CT, on August 18, 2022, Plaintiffs' counsel and Mr. Reiss, along with Martin Tomlinson, conferred regarding the Court's established briefing deadlines via telephone. Mr. Reiss indicated that Defendants would be seeking an extension of the Court's established briefing deadlines, which Plaintiffs' counsel indicated they opposed. Plaintiffs' counsel also informed Mr. Reiss that the Ft. Worth U.S. Attorney's Office had been personally served with the Petition and Summons in this case on August 17, 2022. Additionally, Plaintiffs' counsel informed Mr. Reiss that Plaintiffs' service agent attempted to personally serve the Washington, D.C. offices, but was turned away and told that those offices were not accepting personal service due to COVID, and that the offices had to be served by Certified Mail. Plaintiffs' counsel informed Mr. Riess that those offices are now being served by Certified Mail.

DATED this 18th day of August, 2022.

Respectfully submitted,

R. Brent Cooper (TX Bar No. 04783250)
COOPER & SCULLY, P.C.
900 Jackson Street, Suite 100
Dallas, TX 75202
Telephone: (214) 712-9500
Telecopy: (214) 712-9540
brent.cooper@cooperscully.com

/s/ Cody J. Wisniewski

Cody J. Wisniewski* (CO Bar No. 50415)
FIREARMS POLICY COALITION
5550 Painted Mirage Road, Suite 320
Las Vegas, NV 89149
Telephone: (916) 378-5785
Telecopy: (916) 476-2392
cwi@fpchq.org

Kaitlyn D. Schiraldi* (TN Bar No. 039737)
Erin M. Erhardt* (CO Bar No. 49360)
MOUNTAIN STATES LEGAL FOUNDATION
2596 S. Lewis Way
Lakewood, CO 80227
Telephone: (303) 292-2021
Telecopy: (877) 349-7074
kschiraldi@mslegal.org
eerhardt@mslegal.org

*Admitted *pro hac vice*

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that, on August 18, 2022, a true and correct copy of the foregoing document was served via the Court's CM/ECF system to all counsel of record.

/s/ Cody J. Wisniewski

Cody J. Wisniewski
FIREARMS POLICY COALITION